

Registered with the Registrar
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No. M. 8270



Registered No.
TN/PMG(CCR)/42/09-11
WPP No. 88(556)
Dated : 17-2-2009
Price : Rs. 8-00

புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

The Gazette of Puducherry

PART - II

சிறப்பு வெளியீடு	EXTRAORDINAIRE	EXTRAORDINARY
அதிகாரம் பெற்ற வெளியீடு	Publiée par Autorité	Published by Authority
விலை : ரூ. 8-00	Prix : Rs. 8-00	Price : Rs. 8-00
எண் } புதுச்சேரி செவ்வாய்க்கிழமை 2009 ஆம் பிப்ரவரி 17		
No. } 3 Poudouchéry Mardi 17		Février 2009
No. } Puducherry Tuesday 17th		February 2009
(28 Magha 1930)		

GOVERNMENT OF PUDUCHERRY CHIEF SECRETARIAT (WELFARE)

[G. O. Ms. No. 8/2009-Wel.(SW-V), dated 2nd February 2009]

NOTIFICATION

The Lieutenant-Governor of Puducherry has been pleased to order establishment of a Society namely “the Welfare for the Mentally Challenged Persons (Puducherry) Society” in the Union territory of Puducherry under the control of the Social Welfare Department, Puducherry.

2. The Society shall be registered under the Societies Registration Act, 1860.

3. The Memorandum of Association along with the Rules and Regulations of the “Welfare for the Mentally Challenged Persons (Puducherry) Society” are appended to the order (Annexures-I and II).

4. This issues with the concurrence of the Finance Department *vide* their U.O.No.163990/FD/F5/A2, dated 24-8-2007.

(By order of the Lieutenant-Governor)

S. POUCHEPARANY,

Under Secretary to Government (Welfare).

ANNEXURE – I

**MEMORANDUM OF ASSOCIATION FOR WELFARE FOR
MENTALLY CHALLENGED PERSONS (PUDUCHERRY) SOCIETY**

I. *Name.*— The name of the Society shall be “Welfare for Mentally Challenged Persons (Puducherry) Society”.

II. *Office.*— The Registered Office of the Society shall be located at Puducherry and functioning at No. 29, Kandappa Mudaliar Street, Puducherry – 605 001.

III. *Objects.*— The objects of the Society shall be:—

(1) to promote and enhance the dignity and quality of the life of the mentally challenged through various methods and schemes and to give them recognition as valued members of the Society;

(2) to organise and set up Associations of the parents of the mentally challenged in various parts of the Union Territory and to affiliate the Associations on a common Board;

(3) to encourage and help the member associations to achieve the general objects by dissemination of the required knowledge and skills in dealing with the issues relating to the mentally challenged;

(4) to create an awareness in the Society of their responsibility towards the mentally challenged;

(5) to develop tools and assistive devices to help the mentally challenged to cope with their life;

(6) to help the mentally challenged to cope with the social, psychological, economical and spiritual problems associated with them;

(7) to encourage voluntary efforts in establishing special schools, residential institutions, day care centres etc., for mentally challenged;

(8) to encourage, support and establish clinics, dispensaries and hospital facilities for the treatment of diseases peculiar to the mentally challenged;

(9) to identify, assess and evaluate the problems, conduct research etc., in the field of disabilities like autism, etc., and to work for their solution;

(10) to establish centres of training in special education to caregivers, home based caregivers etc., to deal with mentally challenged;

(11) to co-operate with international and national agencies engaged in the care and protection of the mentally challenged and arrange for interchange of personnel and data;

(12) to channelise funds from various agencies like Government of India, international agencies, philanthropists etc., for the welfare of mentally challenged.

IV. *Functions of the Society.*— With the view to promoting the objects specified above, the Society may:—

(1) establish, maintain and carry on the administration and management of homes for the mentally challenged and such other institutions and organisations;

(2) create administrative, technical, ministerial and other posts under the said Society and make appointments thereto;

(3) prepare, print and publish any papers or periodicals and hold seminars, workshops and conferences in furtherance of the objectives of the Society;

(4) invest and deal with funds and moneys of the Society entrusted or endowed to the Society in such manner and for such purpose as may, from time to time, be determined by the Board of Management;

(5) acquire by gift, purchase, exchange, lease or hire or otherwise howsoever any immovable property necessary or convenient for the furtherance of the objects of the said Society, or acquire any immovable property by transfer;

(6) construct, maintain and alter any building or carry out works necessary or convenient for the purpose of the said Society;

(7) solicit, obtain or accept subscriptions, donations, grants, gifts, devises, bequests and trusts from any person, firm, corporation or institution provided there is no condition or obligation attached to such subscriptions, donations, grants, gifts which are likely to or will hinder furtherance of the objects of the Society;

(8) sell, transfer, exchange, mortgage and otherwise deal with any property, whatsoever belonging to the Society subject to the prior approval of the State Government;

(9) Raise from banks or any other financial or public or private undertakings, loans and advances with or without securities including mortgaging of the properties and pledging of assets of the Society provided that prior approval in writing of the Government is obtained in that behalf;

(10) establish and administer the provident fund for the benefit of the employees;

(11) pay out of the funds belonging to the Society or out of any particular part of such fund, all charges and expenses, towards management and administration of the Society or incidental to the formation of the Society and for meeting the foregoing objects, including all rents, rates, taxes, outgoings and salaries of the employees;

(12) draw, make accept, endorse and discount cheques, or other negotiable instruments;

(13) for the purposes aforesaid , sign, execute and deliver all such contracts, deeds and other assurances as may be necessary;

(14) demand, receive such fee and other charges as may be prescribed;

(15) invite representatives of Government, Universities and other organisations of India and foreign countries and outstanding personnel experts in the field to participate in the programmes of the Society;

(16) co-operate with international and national agencies engaged in care of the mentally challenged and arrange for interchange of personnel, material and data;

(17) appoint and hire services or discharge/terminate the services of the personnel and pay them in return for the services rendered to the Society, salaries, wages, gratuities, provident funds and other allowances or remuneration in accordance with the rules and regulations and bye-laws of the Society;

(18) frame such rules and regulations and bye-laws for the conduct of the business of the Society for the achievement of the objects of the Society as aforesaid;

(19) prepare and maintain accounts and other relevant records and prepare annual statements of accounts including balance sheet of the Society in such form as may be prescribed by the State Government;

(20) forward annually to the State Government, the accounts of the Society as certified by an Auditor appointed by the General Body of the Society;

(21) constitute such committee or committees as it may deem fit for the disposal of any business of the Society or for tendering advice in any matter pertaining to the Society;

(22) delegate any of its powers to the Board of Management of the Society or to any other committee or committees constituted by it;

(23) incur expenditure recurring and non-recurring for purposes of the Society; and

(24) do all such lawful acts and things either alone or in conjunction with other organisations or persons as the Society may consider necessary, incidental or conducive to all or any of the above-mentioned objects.

V. *General Body*.— The General Body of the Society shall consist of the following persons, namely:—

- (1) Secretary to Government (Welfare) . . . Chairperson
- (2) Director of Health and Family Welfare . . . Member Services, Puducherry.
- (3) Director of Women and Child . . . ,,
Development, Puducherry.
- (4) Deputy Secretary to Government . . . ,,
(Finance), Puducherry.
- (5) Under Secretary to Government (Welfare), . . . ,,
Puducherry.
- (6) Not more than 2 members who have . . . Members
experience in the field of handling
mentally retarded to be nominated by
the Chairperson.
- (7) Director of Social Welfare . . . Member-
Secretary.

VI. *Board of Management*.— The composition of Board of Management of the Society shall be as follows:—

- (1) Secretary to Government (Welfare) . . . Chairperson
- (2) Director of Health and Family Welfare . . . Member Services, Puducherry.
- (3) Director of Women and Child . . . ,,
Development, Puducherry.
- (4) Under Secretary to Government . . . ,,
(Finance), Puducherry.

- (5) Under Secretary to Government (Welfare), . . . Member
Puducherry.
- (6) Not more than 2 members who have . . . Members
experience in the field of handling
mentally retarded to be nominated by
the Chairperson.
- (7) Director of Social Welfare . . . Member-
Secretary.

VII. *Amendment of Memorandum of Association.*— Any amendment to the Memorandum of Association shall be subject to the approval of the State Government on the recommendation of the General Body.

VIII. *Appointment of Members of Staff.*— The Members of Staff of the Society shall be selected by deputation from the inservice Government staff of various department of Government of Puducherry.

IX. *Signatories to the Memorandum of Association.*— We, the signatories of Memorandum of Association whose names and addresses are given below having associated ourselves for the purpose described in this Memorandum of Association had hereby subscribed our names to this Memorandum of Association and set out our several and respective hands hereinto and form ourselves into a Society under the Act, this the.....day of2007.

Sl. No.	Occupation of the member	Designation in the Association	Signature of member
(1)	(2)	(3)	(4)
1	Secretary to Government (Welfare).	Chairperson	
2	Director of Social Welfare	Member-Secretary	
3	Director of Health and Family Welfare.	Member	

(1)	(2)	(3)	(4)
4	Director of Women and Child Development.	Member	
5	Deputy Secretary to Government (Finance).	Member	
6	Under Secretary to Government (Welfare).	Member	
7	Non-Official: 1. Dr. N. Balasubramanian 2. Dr. P. Nalini	Members	

Place: Puducherry

Date:

Witnesses:

1.

2.

ANNEXURE - II

RULES AND REGULATIONS FOR THE WELFARE FOR THE MENTALLY CHALLENGED PERSONS (PUDUCHERRY) SOCIETY

1. *Title.*— These rules and regulations may be called the Welfare for Mentally Challenged Persons (Puducherry) Society Rules and Regulations.

2. *Office.*— (i) The office of the Society shall be located at Puducherry and functioning at No. 29, Kandappa Mudaliar Street, Puducherry.

(ii) Working hours: Subject to the control of the Board of Management, the working hours of the Society shall be as prescribed by the Chairperson of the said Board as per requirements.

3. *Definitions.*— In these Rules and Regulations, unless the context otherwise requires,—

(i) “Act” means the Societies Registration Act, 1860 (Central Act No. 21 of 1860) as in force in the Union territory of Puducherry;

(ii) “Board” means Board of Management of the Society;

(iii) “Chairperson” means the Secretary to Government (Welfare);

(iv) “General Body” means the General Body of the Society;

(v) “Member” means a member of the Board of Management;

(vi) “State Government” means the Lieutenant-Governor of the Union territory of Puducherry appointed under article 239 of the Constitution;

(vii) “Society” means the Welfare for the Mentally Challenged Persons (Puducherry) Society;

(viii) “Member-Secretary” means the Director of Social Welfare;

(ix) “Union Territory” means the Union territory of Puducherry;

(x) “Year” means the financial year followed by the Union territory of Puducherry.

4. *Authorities of the Society.*— The following shall be the authorities of the Society, namely:—

(i) The General Body ;

(ii) The Board of Management ; and

(iii) Such other committees as have been appointed under the present and other authorities as may be appointed by the General Body from time to time specifying their duties, powers and functions.

5. *General Body.*— The General Body will include all the members of the Society as are specified in paragraph V of the Memorandum of Associations.

6. *Board of Management.*— (i) The composition of the Board of Management hereinafter referred to as the Board shall be as prescribed in paragraph VI of the Memorandum of Association.

(ii) The Board of Management may co-opt from time to time for such period as may be deemed fit, representatives of other organisations or institutions which may be concerned with the work or programme of the Society and the individuals with special knowledge or interest in such work or programme.

(iii) The members nominated by the General Body of the Society shall hold office during the pleasure of the Government:

Provided that—

(a) the members appointed by virtue of their office shall cease to be members when they cease to hold such office; and

(b) a member shall cease to hold office if he resigns or becomes insane or is adjudged as insolvent or is convicted of a criminal offence involving moral turpitude.

7. *Meetings of the General Body.*— (i) The Society shall each year hold an annual meeting, as soon as may be, after the expiry of the previous year;

(ii) The following business shall be transacted in such meetings:—

(a) Confirmation of the minutes of the previous general body meeting;

(b) Consideration and approval of the annual report on the management of the Society for the preceding year together with an audited copy of the balance sheet, income and expenditure statement and the Auditors report;

(c) Appointment of Auditors; and

(d) Consideration of any matter or matters that may be brought before it with the permission of the Chairperson.

(iii) The Society may hold extraordinary meeting of the General Body whenever the Chairperson thinks it necessary to convene or whenever the requisition in this behalf is made in writing by such number of members as specified in these rules.

(iv) (a) Written notice of every meeting shall be sent to all the members, either personally or through post to the address of the members as entered in the roll of members. Where the notice is sent by post, due service shall be presumed if the cover containing the notice properly addressed is posted.

(b) The accidental omission to give notice to or the non-receipt of notice by any member or other person to whom it should be given shall not invalidate the proceedings of the meeting.

(c) Every notice shall be sent:—

(1) in case of annual meetings, not less than 15 days before the date fixed for the meeting;

(2) in the case of ordinary meetings, not less than 7 days before the date fixed for the meeting; and

(3) in the case of extraordinary meetings, not less than 7 days before the date fixed for the meeting.

(v) The Chairperson, may at any time arrange a meeting of the General Body and shall do so if a requisition for this purpose is presented to him in writing by not less than 6 members specifying the subject of the meeting proposed to be called.

(vi) (a) The quorum for any meeting shall be one-third of the total members.

(b) If within half-an-hour from the time appointed for holding an ordinary meeting, the quorum is not present, the meeting shall stand adjourned to a later hour on the same date or the same hour on any other date as may be fixed by the person presiding.

(c) If at the adjourned meeting also, a quorum is not present within half-an-hour from the time appointed for holding the meeting, the meeting shall stand cancelled.

(d) In the case of extraordinary meeting if within half-an-hour from the time appointed for holding a meeting the quorum is not present, the meeting shall stand cancelled.

(vii) Every meeting shall be presided over by the Chairperson and if the Chairperson is absent by the Member-Secretary and if Chairperson and Member-Secretary are absent by any other member, as the members present at the meeting, shall elect.

(viii) All matters submitted to a meeting of the Society shall be decided by a majority of members present and voting thereon and in case of any equality of votes, the Chairperson or the person presiding shall have a casting vote in addition to the vote to which he may be entitled as a member.

(ix) Any vacancy or defect in the appointment, nomination or co-option of any member of the Society shall not invalidate any act or proceeding of the Society.

8. *Record of business.*—(i) A record shall be maintained of all business transacted by the Society.

(ii) All the decisions of the Society shall, as far as possible be recorded in the form of resolution and any entry of such decisions in the book of proceedings of the Society shall be conclusive evidence of the fact that such decisions were taken by the General Body.

(iii) The proceedings of every meeting of the Society shall be circulated to the members.

9. *Register of Members.*— The Society shall maintain a register wherein the address and occupation of all the members shall be entered. Change of address shall be notified by the member concerned to the Secretary who shall enter the new address. The address in the Register of Members shall be deemed to be his correct address.

10. *Meeting of Board.*— The Board shall meet as often as it is necessary but at least once in a quarter.

11. *Resolution by Circulation.*— (i) Any business which may be necessary for the Board to transact, may, if the Chairperson directs, to be dealt with by circulation of papers under registered cover, the members for the time being in India at their usual address, and any resolution approved by all the members by signing and so circulated shall be as effectual and binding as if the resolution has been passed at a meeting of the Board.

(ii) When any business is so referred to the members by circulation, a period of not less than ten days shall be allotted for the receipt of replies from the members. Such period to be counted from the date on which the notice of business is issued.

(iii) If a resolution is circulated, the result of the circulation shall be communicated to all the members.

12. *Powers and functions of the Board.*— (i) Subject to the provisions of the Act, the Board shall manage the Society and its institutions in such manner as to promote its objectives. It shall have full powers and authority to deal with all matters, things and deeds which are necessary and expedient to carry out the said objectives.

(ii) Without prejudice to the generality of the foregoing power the Board shall have the following powers and shall perform the following functions, namely:-

(a) the framing of Board policies to carry out the objectives of the Society;

(b) to frame such bye-laws as they think essential for the regulation of the business of the Society;

(c) to consider and sanction Budget Estimates;

(d) sanction of expenditure in accordance with the financial bye-laws;

(e) to invest the funds of the Society in State Bank of India or other Nationalised Banks or Trustee Securities;

(f) to borrow moneys on such terms and conditions as are deemed expedient;

(g) to prepare and execute plans and programmes for the establishment of homes for the mentally challenged, other institutions and to carry on the administration and management after such establishment;

(h) to receive grants and contributions and to have custody of the funds of the Society and to manage the properties of the Society;

(i) to prescribe rules and regulations for the admission of mentally retarded into the homes and other institutions of the Society;

(j) to provide for and supervise the residence, health, discipline and well being of the residents of the homes, resorts and other institutions;

(k) create posts and regulate recruitment of staff of the Society and its institutions;

(l) to enter into an agreement or contract with any Government or local authority to obtain from such Government or local authority any right, privilege or concession effectually or other for purposes of carrying out the objects of the Society;

(m) to draw, accept, endorse, discount, execute, assign, issue and otherwise deal with cheques, hundies, drafts, certificates, receipts, Government securities, promissory notes, bills of exchange or other instruments whether negotiable or not for the purpose of the Society;

(n) to pay all costs and expenditure incurred for the promotion, establishment and registration of the Society;

(o) to co-operate with any other organisation in the matter of welfare of the mentally challenged;

(p) to enter into agreement for and on behalf of the Society;

(q) to sue and defend all legal proceedings on behalf of the Society;

(r) to appoint committees for the disposal of any business or for tendering advice in any matter pertaining to the Society;

(s) to delegate to such extent as it may deem necessary any of the powers to any office or committee;

(t) to make adopt, amend, vary or rescind from time to time, bye-law for the regulation, of and for any purpose connected with the management and administration of the affairs of the Society and for the furtherance of its objects;

(u) to make, adopt, amend, vary or rescind from time to time, the bye-laws:—

(1) for the conduct of the business of the Board and the committee to be appointed by it or by these rules;

(2) for delegation of its powers;

(3) for fixing the quorum, or

(4) for the co-option of members of the Board;

(5) to do all other acts and things either alone or in collaboration with such other organisation or person, as the Society may consider necessary, incidental or conducive to the attainment of the aforesaid objectives or any of them.

(iii) The Chairperson of the Board of Management shall exercise such of the powers of the Board of Management in case of emergency, subject to ratification of the Governing Body, later.

(iv) The Member-Secretary shall preside over the General Body and Board of Management meetings and shall discharge the duties and responsibilities of Chairperson in his absence.

13. *Committees.*— (i) The Board may form committees consisting of members and non-members for any purpose it considers necessary on such terms as it may prescribe.

(ii) The Board of Management may make bye-laws, from time to time regulating the functions of the committees and also the procedure that shall be followed by them in conducting their business.

(iii) Casual vacancies in the committees may be filled up by the Chairperson of the Board by nomination of the Member as and when necessary.

(iv) Save as otherwise provided by the Board of Management bye-laws all committees shall be advisory bodies to the Board of Management and shall function subject to the control of the Board of Management.

14. *Funds of the Society.*— (i) The Society shall maintain a fund to which shall be credited:

(a) all moneys provided by the Central/State Government;

(b) all fees and other charges received by the Society;

(c) all moneys received by the Society by way of grants, gifts, donations, benefactions, bequests or transfers; and

(d) all moneys received by the Society in any other manner or from any other source.

(ii) all moneys credited to the fund shall be deposited in such banks or invested in such manner as the Board may, with the approval of the State Government, decide.

(iii) the fund shall be applied towards meeting the expenses of the Society including expenses incurred in the exercise of its power and discharge of its functions.

15. *Property of the Society.*— (i) The Society shall be the owner of all its properties, movable and immovable.

(ii) The Board shall be the custodian of the said properties and the funds of the Society and shall manage the same prudently, for the purpose of the Society.

(iii) The moneys of the Society shall be credited to an account opened in the name of the Society with any of the nationalised banks and any withdrawal therefrom shall only be by cheques signed by the persons as the Board may from time to time authorise or specify in or under the financial bye-laws made for the purpose.

(iv) The Society shall maintain proper accounts and balance sheet for each year.

(v) The annual accounts of the Society shall be audited by a Certified Auditor appointed by the General Body.

16. *Application of the income and property.*— The income and property of the Society shall be applied solely towards the promotion of the object of the Society as specified in the Memorandum of Association and any expenditure incurred shall be subject to such restriction as the Central Government or the State Government may from time to time impose in respect of grants or donations made by them. No part of the income or property of the Society shall be spent or transferred directly or indirectly by way of dividends, bonus or otherwise howsoever, to persons who at any time have been members of the Society. However such income may be spent as required by any law for the time being in force or by way of remuneration for services rendered to the Society or as travelling allowance, daily allowance or other similar compensatory allowances.

17. *Remuneration payable to the Chairperson and Member-Secretary and Members of the Board of Management.*—(i) The Chairperson, and the Member-Secretary and the Members of the Board and the Committees, if they are whole time officers of the Government shall be entitled to such travelling and daily allowances for the performance of journeys for attending the meetings of the Board or Committees or for attending any other work of the Society, as admissible under the rules applicable to them for journeys performed on official duty.

(ii) The members of the Board and Committees who are not officers of the Government are entitled to travelling and daily allowances at the rates applicable from time to time to Grade-I Officers in the Government.

18. *Returns and reports to be submitted to State Government.*—(i) Within six months after the close of every financial year, the Society shall submit to the State Government a report on the working of the Society in the previous year together with an audited statement of accounts showing the income and expenditure for the previous year.

(ii) The Society shall submit to the State Government, the Budget Estimates for every financial year by such date before the end of the previous year as the State Government may fix in this behalf.

19. *Power of the State Government to issue directions.*— The State Government may, for reasons to be recorded in writing, issue such directions to the Society to ensure the efficient and proper management of the affairs of the Society and the Board of Management. The Chairperson and Member-Secretary and the Board of Management shall ensure that the directions so issued by State Government are duly carried out.

20. *Tenure of Members.*— (i) The non-official members nominated by the Chairperson of the Board shall hold office for a term of three years from the date of appointment:

Provided that, such a member shall notwithstanding the expiration of his term continue to hold office until his successor enters upon his office.

(ii) The term of office of an ex-officio member shall come to an end when he ceases to hold the office by virtue of which he was so nominated.

(iii) The Chairperson may, if he thinks fit, remove any member nominated by him before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(iv) A member nominated by the Government may resign his office by giving one month's notice in writing to the Chairperson of the Board of Management.

21. *Authentication of orders, instruments etc.*— (i) All orders, decisions of the Governing Body and the Committees of the Society shall be authenticated by the Chairperson or such other officer of the Society authorised by the Board in this behalf.

(ii) For the purposes of section 6 of the Act, the person in whose name the Society may sue or be sued shall be the Chairperson.

(iii) All contracts for and on behalf of the Society shall be expressed to be made in the name of the Society and shall be executed by the Chairperson and one other member of the Board to be nominated by the Chairperson.

22. *Validation.*— No act done or proceeding taken by the Society or any Committee shall be questioned on the ground merely of the existence of any vacancy or defect in appointment of the members thereof.

23. *Amendment to the Memorandum of Association etc.*,— No amendment in the name, Memorandum of Association or Rules and Regulations of the Society shall be made except in accordance with the provisions of sections 12 and 12-A of the Act.

We, the following members of the Society, certify that the rules of the Society given above are a correct copy thereof.

Sl. No.	Occupation of the member	Designation in the Association	Signature of member
(1)	(2)	(3)	(4)
1	Secretary to Government (Welfare).	Chairperson	
2	Director of Health and Family Welfare.	Member	
3	Director of Women and Child Development.	Member	
4	Deputy Secretary to Government (Finance).	Member	
5	Under Secretary to Government (Welfare).	Member	
6	Non-Official: 1. Dr. N. Balasubramanian 2. Dr. P. Nalini	Members	
7	Director of Social Welfare	Member-Secretary	

Place: Puducherry

Date:

Witnesses:

1.

2.

online publication at “<http://styandptg.puducherry.gov.in>”

Government Central Press

Directorate of Stationery and Printing

Puducherry-9